

**3843. Misbranding of Seconal Sodium capsules. U. S. v. Glenn S. Shipp (The Chemist Shop). Plea of nolo contendere. Defendant sentenced to pay costs and to serve 60 days in jail. Sentence of imprisonment suspended and defendant placed on probation for 60 days. (F. D. C. No. 33731. Sample Nos. 16231-L to 16236-L, incl.)**

**INFORMATION FILED:** December 16, 1952, District of Kansas, against Glenn S. Shipp, trading as The Chemist Shop, Independence, Kans.

**ALLEGED VIOLATION:** On or about December 5, 6, 13, 18, and 19, 1951, while a number of *Seconal Sodium capsules* were being held for sale at the Chemist Shop after shipment in interstate commerce, the defendant caused various quantities of the capsules to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged capsules contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use.

**DISPOSITION:** January 20, 1953. A plea of nolo contendere having been entered, the court sentenced the defendant to pay the costs of the action and to serve 60 days in jail. The jail sentence was suspended, and the defendant was placed on probation for 60 days.

**3844. Misbranding of Seconal Sodium capsules and dextro-amphetamine sulfate tablets. U. S. v. Orville L. Wright (Wright Pharmacy). Plea of not guilty. Tried to the court and jury. Verdict of guilty. Fine of \$500; sentence of six months in jail suspended and defendant placed on probation for five years. (F. D. C. No. 31296. Sample Nos. 21191-L, 21192-L, 21194-L to 21196-L, incl.)**

**INFORMATION FILED:** January 24, 1952, Southern District of Texas, against Orville L. Wright, trading as the Wright Pharmacy, Houston, Tex.

**ALLEGED VIOLATION:** On or about June 19 and 30 and July 3 and 9, 1951, while a number of *Seconal Sodium capsules* and *dextro-amphetamine sulfate tablets* were being held for sale at the Wright Pharmacy after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *Seconal Sodium capsules* and 1 lot of the repackaged *dextro-amphetamine sulfate tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the capsules failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

**DISPOSITION:** A plea of not guilty having been entered, the case came on for trial before the court and jury on October 20, 1952. The trial was concluded on October 21, 1952, with the return by the jury of a verdict of guilty. On October 29, 1952, the court imposed a fine of \$500, a sentence of six months in jail, which was suspended, and placed the defendant on probation for five years.

**3845. Misbranding of amphetamine sulfate tablets and capsules of Seconal Sodium and Amytal Sodium. U. S. v. Neal A. Brady (Brady Drugs). Plea of nolo contendere. Fine of \$600, plus costs. (F. D. C. No. 32726. Sample Nos. 18811-L, 18813-L, 18816-L, 18819-L.)**

**INFORMATION FILED:** September 16, 1952, Southern District of Iowa, against Neal A. Brady, trading as Brady Drugs, Des Moines, Iowa.

**ALLEGED VIOLATION:** On or about October 28 and November 4 and 12, 1951, while a number of *amphetamine sulfate tablets* and capsules of *Seconal Sodium* and *Amytal Sodium* were being held for sale at Brady Drugs after shipment in interstate commerce, the defendant caused various quantities of the capsules and tablets to be repackaged and dispensed without a physician's prescription, which acts resulted in the capsules and tablets being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1), the repackaged drugs, with the exception of one lot of the capsules, failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged capsules contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportions of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the label of the repackaged tablets failed to bear the common or usual name of each active ingredient of the drug.

**DISPOSITION:** January 27, 1953. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$600, plus costs.

**3846. Misbranding of Benzedrine Sulfate tablets, Seconal Sodium capsules, and Savatan capsules. U. S. v. Warren Pizinger and Henry Fiegenbaum. Pleas of nolo contendere. Fine of \$1,000, plus costs, against Defendant Pizinger and \$250 against Defendant Fiegenbaum; each defendant also placed on probation for 3 years. (F. D. C. No. 31253. Sample Nos. 55968-K, 55969-K, 70189-K.)**

**INFORMATION FILED:** November 28, 1951, District of Nebraska, against Warren Pizinger, manager of the City Drug Store, 4502 South 24th St., Omaha, Nebr., and Henry Fiegenbaum, a pharmacist in the store.